

Court Copy



DMCA Counter Notification re: slabbed.org

DreamHost Abuse <abuse-replies@dreamhost.com>
 Reply-To: abuse-replies@dreamhost.com
 To: trout.point.lodge@gmail.com

3 January 2013 16:27

Hello -

We have received a Counter Notification to the DMCA notification that we received from you on 2012-12-31 related to slabbed.org. Per the DMCA the content in question will be allowed back online in 10-14 business days as specified by the law unless we receive notification that a lawsuit has been filed for copyright infringement and an injunction against the content has been issued by the courts. The full Counter Notification is as follows:

"January 2, 2013

New Dream Network, LLC
 Dreamhost.com
 707 Wilshire Boulevard, Suite 5050
 Los Angeles, CA 90017

RE: Mistaken Removal

Dear New Dream Network, LLC;

Please find attached to this letter a list of material removed by you pursuant to 17 U.S.C. Section 512. I have a good faith belief that this material was removed or disabled in error as a result of mistake or misidentification of the material. I declare that this is true and accurate under penalty of perjury under the laws of the United States of America.

For the purposes of this matter, I consent to the jurisdiction of the Federal District Court for the judicial district in which I reside. I also consent to service of process by the person providing notification under Section 512(c)(1)(C) or that person's agent.

However, by this letter, I do not waive any other rights, including the ability to pursue an action for the removal or disabling of access to this material, if wrongful.

No. 411345
 2013 This is Exhibit A referred to
 in the affidavit of Charles L. Levy
 (sworn/affirmed) before me
 on January 23, 2013
 Signature Shelley Ryerson
 Shelley Ryerson
 Deputy Prothonotary

Exhibit A

EXHIBIT

B

1/22/13

U-mail - DMCA Counter Notification re: slabbed.org

Having complied with the requirements of Section 512(g)(3), I remind you that you must now replace the blocked or removed material and cease disabling access to it within fourteen business days of your receipt of this notice. Please notify me when this has been done.

Please see below for a complete description of the material in question.

I appreciate your prompt attention to this matter. If you have any questions about this notice, please do not hesitate to contact me.

Doug Handhoe
Slabbed New Media LLC
Post Office Box 788
Wiggins, MS 39577
228-323-1598
<http://slabbed.org>

—Original Message—

From: DreamHost Abuse/Security Team [mailto:support@dreamhost.com]
Sent: 01/01/2013 3:27 PM
To: eaming04@gmail.com
Subject: Re: [douhan5 67316463] URGENT: DMCA Takedown Notification....

Hello,

On Tue, 01 Jan 2013, you wrote:

> Please forward me a copy of the take down notice from Charles Leary. I
> intend to file a counter notification but would like to see the take
> down notice so I may properly respond.
>
> Thanks
>
> Doug Handhoe
> Slabbed New Media LLC
> www.slabbed.org
>
>

Thanks for writing, Doug. The full DMCA notification you requested is included below.

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2nd Notice DMCA Infringement - Received: 2012-12-31 07:56:02 from Trout

<https://mail.google.com/mail/u/2/?ik=2be9277ecfd&view=nt&n=DMCA&nc=true&search=untrv&th=13e0218ea1c9e>

112213

Gmail - DMCA Counter Notification re: slabbed.org

Point Lodge <trout.point.lodge@gmail.com> to DreamHost Abuse
Subject: Notice of Copyright Infringement

There are 2 copyrighted works being infringed on slabbed.org, hosted by DreamHost. "We have repeatedly given DreamHost notice of past violations by this web site involving these images."

The 1st copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/09/25/jefferson-parish-corruption-omnibus-today-aaron-broussard-put-his-hand-on-a-bible-and-admitted-he-is-a-filthy-sack-of-crap/>

and

[http://www.slabbed.org/2012/09/11/lets-talk-a-bit-more-about-aaron-broussard s-evidence-of-other-crimes-involving-the-resort-at-trout-point-nova-scotia-and-the-use-of-slapp-suits-by-his-business-associates-in-canada/](http://www.slabbed.org/2012/09/11/lets-talk-a-bit-more-about-aaron-broussard-s-evidence-of-other-crimes-involving-the-resort-at-trout-point-nova-scotia-and-the-use-of-slapp-suits-by-his-business-associates-in-canada/)

and

<http://www.slabbed.org/2011/09/08/slabbed-solves-the-mystery-on-the-shores-of-the-tusket-river-in-nova-scotia-as-we-reveal-the-trout-point-connection-to-the-jefferson-parish-political-corruption-scandal/>

The 2nd copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbed-for-defamation-in-nova-scotia/>

The URLs where the 1st copyrighted Image appeared have now been removed from publication. Please see attached transfer of copyright to me from the Ashoka Foundation assigning me the rights over this image.

The URL where the 2nd copyrighted image appears is:

<http://www.thestar.com/news/canada/article/1125508-mississippi-blogger-must-pay-a-gay-couple-425-000-in-damages-nova-scotia-court-orders>

WE WILL PURSUE LEGAL ACTION AGAINST DREAMHOST UNDER THE CANADA COPYRIGHT ACT IF THESE IMAGES—EITHER HOSTED OR EMBEDDED—ARE NOT REMOVED FROM INFRINGING PUBLICATION. THE UNITED STATES AND CANADA HAVE NUMEROUS TREATIES RECIPROCALLY PROTECTING COPYRIGHT. THERE IS NO CDA PROTECTION FOR PUBLISHING THESE INFRINGING WORKS.

You can reach me at trout.point.lodge@gmail.com for further information or

<https://mail.google.com/mail/u/0/?ik=2be9777eccd&view=pt&u=DMCA&oe=true&search=univ&th=13c0718ad0ff49e>

11/22/13

Gmail - DMCA Counter Notification re: stabbled.org

clarification. My phone number is [REDACTED] and my mailing address is Charles Leary, Trout Point Lodge, P.O. Box 456, Kemptville, NS B0W 1Y0 Canada.

The email address of the website owner, who has republished Trout Point Lodge's content illegally, is: earning04@gmail.com

Section 512 of the DMCA has a safe-harbor provision that relates to links you post to other online material located elsewhere or embedded material. This safe-harbor provision is found in section 512(d), and it states that an online service provider will not be held liable for money damages "for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link." If DreamHost hosted this copyrighted material or hosted links to this image without knowing that it infringed copyright, the language of this section appears to relieve DreamHost of liability, as long as DreamHost did not have actual knowledge that the material it linked to/embedded is infringing, or know any surrounding facts that would make the infringement apparent; did not receive any financial benefit directly attributable to the infringing activity if DreamHost had the ability to control such activity; and if DreamHost now acts expeditiously to remove or disable access to the infringing material (such as by taking away the link/embedded image) upon obtaining knowledge or awareness that the material is infringing or upon receiving this properly drafted notice of infringement.

I have a good faith belief that use, linking, and/or embedding of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. By typing in my name below, I agree that this is my digital signature.

Charles L. Leary

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"

- Glen J., Abuse Coordinator
- DreamHost Web Hosting - <http://www.dreamhost.com/>